

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Marcus Dion McKoy

Docket No. 4:99-CR-57-2H

Petition for Action on Supervised Release

COMES NOW Thomas E. Sheppard, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Marcus Dion McKoy, who, upon upon a finding of guilt by jury to Possession With the Intent to Distribute Cocaine Base (Crack) and Aiding and Abetting in violation of 21 U.S.C. §841(a)(1) and 18 U.S.C. §2, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on September 18, 2000, to the custody of the Bureau of Prisons for a term of 174 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

On October 14, 2008, in accordance with 18 U.S.C. §3582(c)(2), the term of imprisonment was reduced to 140 months. Marcus Dion McKoy was released from custody on March 15, 2010, at which time the term of supervised release commenced. On May 21, 2010, the conditions of supervised release were modified to require the defendant to serve 3 days in the custody of the Bureau of Prisons, as a sanction for violating the alcohol abstinence condition and driving while impaired.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 8, 2010, the defendant was charged for a second time with Driving While Impaired. In committing this offense, the defendant also violated the alcohol abstinence condition. The defendant admitted that he operated a motor vehicle after consuming alcohol. At the time of the arrest, his blood alcohol content was .22. Another, more severe sanction is in order, this time requiring the defendant to serve 30 days in the custody of the Bureau of Prisons. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 30 days as arranged by the probation office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

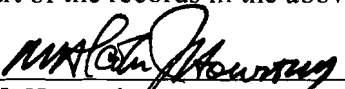
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Thomas E. Sheppard
Thomas E. Sheppard
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: October 19, 2010

ORDER OF COURT

Considered and ordered this 20th day of October, 2010, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge